

ADDITIONAL EXTENSION OF TEMPORARY CONSTRUCTION EASEMENT

On December 9, 2014 a Temporary Construction Easement ("TCE") was entered into between the Board of Water Works of Pueblo, Colorado ("Pueblo Water") and ASI Constructors, Inc. ("ASI") concerning a construction project designated as Phase I Levee Project. The Pueblo Conservancy District was and is a third party beneficiary to that TCE as the entire construction project was solely for the benefit of the Pueblo Conservancy District.

Paragraph 5.j. of said TCE requires the restoration of the Easement Premises as defined in the TCE.

The work on the levee for Phase 5 has now been completed.

The Temporary Construction Easement was initially to expire April 15, 2015.

The Pueblo Conservancy District ("PCD") desires Pueblo Water to allow the extension of the TCE and completion of the requirements of Paragraph 5.j. until the entire levee repair is completed which was anticipated to be on or before September 30, 2019. It now appears that construction will be completed on or before September 30, 2020.

Pueblo Water is willing to allow the extension of the TCE and completion of the restoration of the Easement Premises to the original condition as documented pursuant to the TCE, provided PCD guarantees that the obligations set forth in Paragraph 5.j of said TCE will be completed upon completion of the entire levee repair and that at all times any temporary repairs required by Paragraph 5.i. are made as required therein.

Now therefore, in consideration of the following mutual covenants and conditions the parties agree as follows:

1. PCD hereby agrees to guarantee to Pueblo Water that all of the requirements of the TCE including but not limited to those set forth in Paragraphs 5.i and 5.j. shall be completed to the satisfaction of Pueblo Water at the completion of the levee repair but not later than September 30, 2020. PCD further agrees to require any contractor chosen by it for additional repairs to the levee to meet with Pueblo Water representatives prior to commencing any use of the Easement Premises and to guarantee performance of all of the terms and conditions of the TCE.
2. Pueblo Water hereby agrees to extend usage of the Easement Premises for the continued work on the levee until its completion, but not later than September 30, 2020, and to allow any contractor chosen by PCD to use the Easement Premises after the contractor or contractors are chosen and a meeting is scheduled with the contractor or contractors with Pueblo Water to insure that the contractor knows and fully understands its obligations pursuant to the TCE.
3. At all times that PCD through any contractor who is utilizing the Easement Premises PCD and its contractor shall be responsible for controlling dust and maintaining the access set forth in the Easement Premises in good, usable condition.

Entered into this 26 day of September, 2019.

The Board of Water Works of Pueblo,
Colorado

By: [Signature]
Authorized Representative

Pueblo Conservancy District
By: [Signature]
Authorized Representative

State of Colorado)
)ss.
County of Pueblo)

The foregoing instrument was acknowledged before me this 26th day of September, 2019
by [Signature], the authorized representative of The Board of Water Works of
Pueblo, Colorado. Witness my hand and seal.

[Signature]
Notary Public
Comm. Expires:

CARLOTTA J. DELGADO
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20124040641
MY COMMISSION EXPIRES JULY 2, 2020

State of Colorado)
)ss.
County of Pueblo)

The foregoing instrument was acknowledged before me this 30 day of September, 2019
by [Signature], the authorized representative of Pueblo Conservancy District.
Witness my hand and seal.

[Signature]
Notary Public
Comm. Expires: 10/11/21

DONALD J. BANNER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19874009263
My Commission Expires 10-11-2021